



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

SO ORDERED:

Application granted. The telephone conference scheduled for April 28, 2023 is adjourned to May 8, 2023 at 10:00 a.m. The parties shall call the following number at the time of the conference: Toll-Free Number: 877-873-8017 Access Code: 4264138. It is the responsibility of counsel for the Defendants to make prior arrangements with the appropriate facility to have the *pro se* Plaintiff available via telephone.

Via ECF

Hon. Judith C. McCarthy, U.S.M.J.
U.S. District Court, S.D.N.Y.
300 Quarropas Street, Room 434
White Plains, New York 10601

Judith C. McCarthy 4-20-23
JUDITH C. MCCARTHY
United States Magistrate Judge

Re: *Smith v. LaSanta*, No. 21-CV-09509 (NSR) (JCM)
Discovery Status Update and Adjournment Request

Dear Judge McCarthy:

I write to: (1) provide a status update with respect to discovery; and (2) request, in accordance with Rule 1.B of this Court's Individual Practices, a brief adjournment of the telephone conference scheduled to proceed at 10:30 a.m. on April 28, 2023.

With respect to discovery, I received Plaintiff's responses to Defendant's First Interrogatories and Request for Documents and executed HIPAA Authorization on March 3, 2023 (i.e., the day after the last conference in this matter). I confirmed receipt of these materials by letter sent to Plaintiff on March 6, 2023. A little over two weeks later, on March 23, 2023, I produced to Plaintiff a certified copy of his ambulatory health record. Plaintiff's remote deposition is scheduled for May 5, 2023.

As for the adjournment request, I have an unexpected personal matter requiring that I be out of office on April 28, 2023. If the Court's calendar permits, Defendant requests that the conference be moved to a time convenient for the Court on April 24-27, May 1-4, or May 8-9. This request will not affect any applicable discovery deadlines. (*See* Mar. 2, 2023 Min. Entry). This is the first request to adjourn this conference. Plaintiff, who proceeds *pro se*, has not been consulted in advance of this request because he is incarcerated and there are time constraints with first class mail.

Respectfully,

George P. Burns, Jr.
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cc: Plaintiff, *pro se* (via First Class Mail)